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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,209

10/16/2003

Mika Forssell

879A.0085.U1(US)

7142

29683 7590 08/07/2008  
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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

08/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,209	<b>Applicant(s)</b> FORSSELL, MIKA	
	<b>Examiner</b> Kevin C. Harper	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-31, 34-50, 52-70 and 73-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-31, 34-50, 52-70 and 73-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 14, 2008 has been entered.

***Response to Arguments***

1. Applicant's arguments filed July 14, 2008 have been fully considered but they are not persuasive. Applicant argued that the combination of Ravishankar and Puuskari does not disclose providing reordered messages from a protocol layer in a mobile station according to service access point indicators. However, Puuskari notes that SAPI is provided for each QoS profile (para. 62).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8, 23-28, 43-48 and 63-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravishankar et al. (US 2003/0060210) in view of Puuskari et al. (US 2002/0032800).

2. Regarding claims 1, 23, 43 and 63, Ravishankar discloses a method performed by a mobile station to transfer data in a wireless packet network (fig. 1-3). The method comprising at a protocol layer receiving packet data from an upper protocol layer (figs. 2a and 2b; para. 4;

Art Unit: 2616

note: applications in the application layer; para. 5; para. 36, lines 1-5; paras. 55 and 63)

belonging to PDP contexts (figs. 3d and 3e; note: VOIP session and data session) and delivering the packet data from the layer (fig. 3d and 3e, steps 356 and 370). Further regarding claim 23, the method is performed by a mobile station having a controller (para. 73) and a layered transmission protocol arrangement (figs. 2a and 2b).

3. However, Ravishankar does not disclose reordering the packet data. Puuskari discloses reordering packet data (paras. 48-49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to reorder data in the invention of Ravishankar in order to schedule data according to priority or QoS (Puuskari, paras. 37 and 48-49).

4. Regarding claims 2-4, 24, 44 and 64, activation PDP contexts are provided (fig. 3a, step 302) using TBFs (para. 7) to provide a requested QoS.

5. Regarding claims 5-8, 25-28, 45-48 and 65-68, some of the limitations of these claims have been addressed in the rejection of claims 2-4 above. However, Ravishankar does not disclose determining if packets are received in-sequence. Although, Ravishankar discloses that packets have a sequence number (para. 66). Further, one skilled in the art would recognize that RTP packets are reordered. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to check the sequence of packets in the invention of Ravishankar in order to transmit the packets in their proper sequence as is known in the art.

Claims 9-11, 13-22, 29-31, 34-42, 49-50, 52-62, 69-70 and 73-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravishankar in view of Puuskari as applied to claim 8 above, and further in view of Yang et al. (US 6,996,061).

6. Regarding claim 9, 29, 49 and 69, Ravishankar does not disclose buffering data to be scheduled. Yang discloses buffers for holding data to be scheduled (fig. 4). Therefore, it would

Art Unit: 2616

have been obvious to one skilled in the art at the time the invention was made to have a buffer to hold data to be schedule in the invention of Ravishankar in order to accept data and temporarily prevent the transmission of the data as is known in the art.

7. Regarding claims 10-11, 13-22, 30-31, 34-42, 50-62, 70, 73-82, the system is standardized GPRS having standardized LLC and/or RLC data units associated with a standardized GMM unit (fig. 2a), where the standards includes SAPI information and where the transmission modes include ACK and UNACK (fig. 3c, step 342; para. 62).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost, can be reached at 571-272-7872. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

Art Unit: 2616

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2616

August 4, 2008